

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

No. 723

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**Introduced by Assembly Member Rendon**

February 25, 2015

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An act to amend Section 17921.3 of the Health and Safety Code, relating to building standards.

### LEGISLATIVE COUNSEL'S DIGEST

AB 723, as amended, Rendon. Plumbing fixtures: WaterSense standards.

Prior law, until January 1, 2014, required manufacturers selling water closets or urinals in this state to offer high-efficiency models for sale in a specified percentage of all models offered, including 50% by January 1, 2010, 67% by January 1, 2011, 75% by January 1, 2012, 85% by January 1, 2013, and 100% by January 1, 2014. It required these manufacturers, by January 30 of 2010, 2011, 2012, and 2013, to inform, in writing, the California Energy Commission of the percentage of high-efficiency models it is offering for sale that year. A violation of these requirements is a misdemeanor.

This bill would, beginning January 1, 2017, instead prohibit manufacturers selling water closets, urinals, ~~bathroom faucets, and shower heads~~ *residential lavatory faucets, and showerheads* from installing or selling any of the aforementioned plumbing fixtures that do not meet WaterSense standards set by the federal Environmental Protection Agency, as specified. The bill would ~~require~~ *remove the requirement that* these manufacturers, by January 30 of each year, ~~to~~ inform, in writing, the California Energy Commission, the department, and the California Building Standards Commission of the number of

WaterSense certified models it is offering for sale that year as compared to the years 2010 to 2014, inclusive: sale.

By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17921.3 of the Health and Safety Code  
2 is amended to read:

3 17921.3. (a) Notwithstanding any other law, all *tank type* water  
4 closets, urinals, ~~bathroom~~ *residential lavatory* faucets, and ~~shower~~  
5 ~~heads~~ *showerheads* installed or sold in this state shall meet  
6 performance, testing, and labeling requirements established by the  
7 United States Environmental Protection Agency (EPA) WaterSense  
8 standards, as applicable. No other marking and labeling  
9 requirements shall be required by the state. All water closets,  
10 urinals, ~~bathroom~~ *residential lavatory* faucets, and ~~shower heads~~  
11 *showerheads* installed or sold in this state shall be listed by an  
12 EPA accredited third-party certification agency to the appropriate  
13 WaterSense standards set forth in this subdivision. No other listing  
14 or certification requirements shall be required by the state.

15 (b) (1) All *tank type* water closets sold or installed in this state  
16 shall use no more than an average of 1.28 gallons per flush. On  
17 and after January 1, 2017, all *tank type* water closets, other than  
18 institutional water closets, sold or installed in this state shall be  
19 high-efficiency WaterSense certified water closets.

20 (2) All urinals sold or installed in this state shall use no more  
21 than an average of one-half gallon per flush. On and after January  
22 1, 2017, all urinals, other than blow-out urinals, sold or installed  
23 in this state shall be WaterSense certified urinals.

24 (3) All ~~bathroom~~ *lavatory* faucets sold or installed in this state  
25 shall use no more than an average of 1.5 gallons per minute. On  
26 and after January 1, 2017, all ~~bathroom~~ *lavatory* faucets, other

1 than institutional ~~bathroom~~ faucets, sold or installed in this state  
2 shall be WaterSense certified ~~bathroom~~ *lavatory* faucets.

3 (4) All ~~shower heads~~ *showerheads* sold or installed in this state  
4 shall use no more than an average of two gallons per minute. On  
5 and after January 1, 2017, all ~~shower heads~~ *showerheads*, other  
6 than institutional shower heads, sold or installed in this state shall  
7 be WaterSense certified ~~shower heads~~ *showerheads*.

8 ~~(e) Each manufacturer that sells water closets or urinals in this~~  
9 ~~state shall inform the State Energy Resources Conservation and~~  
10 ~~Development Commission, the department, and the California~~  
11 ~~Building Standards Commission, in writing, of the percentage of~~  
12 ~~models of high-efficiency water closets plus high-efficiency urinals~~  
13 ~~offered for sale in this state as compared to the total number of~~  
14 ~~models of water closets plus urinals offered for sale in this state~~  
15 ~~by that manufacturer for each year 2010 to 2013, inclusive, by~~  
16 ~~January 30 of that year.~~

17 ~~(d)~~

18 ~~(c)~~ (1) This section does not preempt any actions of cities,  
19 counties, cities and counties, or districts that prescribe additional  
20 or more restrictive conservation requirements affecting water  
21 closets, urinals, bathroom faucets, and ~~shower heads~~ *showerheads*.

22 (2) This section does not grant any new or additional powers to  
23 cities, counties, cities and counties, or districts to promulgate or  
24 establish laws, ordinances, regulations, or rules governing the sale,  
25 installation, or use of low-consumption water closets, urinals,  
26 bathroom faucets, and ~~shower heads~~ *showerheads*.

27 ~~(e)~~

28 ~~(d)~~ The California Building Standards Commission or the  
29 department may, by regulation, reduce the quantity of water per  
30 flush or flow per minute required pursuant to this section if deemed  
31 appropriate or not inconsistent in light of other standards referenced  
32 in the most recent version of the California Plumbing Code, and  
33 may refer to successor standards to the standards referenced in this  
34 section if determined appropriate in light of standards referenced  
35 in the most recent version of the California Plumbing Code.

36 ~~(f)~~

37 ~~(e)~~ As used in this section, the following terms have the  
38 following meanings:

(1) “Blow-out urinal” means a urinal designed for heavy-duty commercial applications that work on a powerful nonsiphonic principle.

(2) “WaterSense certified bathroom faucet” means a *residential lavatory* faucet with a maximum flow of 1.5 gallons per minute.

(3) “WaterSense certified showerhead” means a ~~shower head~~ *showerhead* with a maximum flow of 2 gallons per minute.

(4) A “WaterSense certified water closet” means a water closet with an effective flush volume that does not exceed 1.28 gallons. *Flush volumes shall be tested in accordance with ANSI Standard ASME A112.19.2/CSA B45.1 and ANSI Standard ASME A112.19.14.*

(5) “WaterSense certified urinal” means a urinal that uses no more than 0.5 gallons per ~~flush~~ *flush*, and is tested in accordance with *ANSI Standard ASME A112.19.2/CSA B45.1 or ANSI Standard CSA B45.5/IAPMO Z124.*

(6) “Institutional water closet” means any water closet fixture with a design not typically found in residential or commercial applications or that is designed for a specialized application, including, but not limited to, wall-mounted floor-outlet water closets, water closets used in jails or prisons, *water closets in hospitals and other medical care operations*, water closets used in bariatrics applications, and child water closets used in day care facilities.

(7) “Urinal” means a water-using urinal.

~~(g)~~

(f) For purposes of this section, all consumption values shall be determined by the test procedures contained in the WaterSense standards established by the EPA.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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